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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/411,407	09/30/1999	THOMAS L. STACHURA	042390.P7090	8269

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ALOYSIUS T C AUYEUNG
C/O BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
12400 WILSHIRE BOULEVARD
7TH FLOOR
LOS ANGELES, CA 90025

EXAMINER

MIRZA, ADNAN M

ART UNIT PAPER NUMBER

2145

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/411,407

Applicant(s)

STACHURA ET AL.

Examiner

Adnan M. Mirza

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-7 and 27-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-7, 27-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3,5-7,27-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barker et al (U.S. 6,363,421), Nouri et al (U.S. 6,065,053) and further in view of Stevenson et al (6,738,388).

As per claims 1,27 Barker disclosed detecting an alert event on a client device (col. 29, Paragraph. 9-15); forming a platform-independent alert packet representing the alert event (col. 12, lines 5-10); transmitting the alert packet to an alert proxy external to the client device (col. 26, lines 12-31), the data control packet comprising one or more specified control operations to be performed on the client device; determining a current operating state of said client device (col. 37, lines 39-49);

However Barker failed to disclose automatically determining whether execution of said received control operations are permitted while said client device is in said determined operating state; automatically executing specified control operations if said execution has been determined to be.

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In the same field of endeavor Nouri disclosed determining the cause of the system problem, the administrator can use micro controller network “fly by wire” capability to reset the system, as well as to power the system off or on. “fly by wire” denotes that no switch, indicator or other control is directly connected to the function it monitors or controls, but instead all the control and monitoring connections are made by the micro controller network. The remote interface or remote interface board interfaces the server system to an external computer (col. 6, lines 45-65). Nouri’s statement of monitoring and the control capability while the system in on and performing different functionality of control operations can be interpreted as client device is in current operating status while receiving control operations. One ordinary skill in the art at the time of the invention knows that to make the process or command execution as automatic can easily be done through software.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated determining whether execution of said received control operations are permitted while said client device is in said determined operating state; executing said received control operations if said execution has been determined to be as taught by Nouri in the method of Barker to overcome large deficiencies face by large scale management of the telecommunication system.

However neither Barker nor Nouri disclosed, “receiving automatically a hardware-specific data control packet from the alert proxy in response to the transmission of the alert packet”

In the same field of endeavor, “Stevenson disclosed, “ The control system automatically updates the dynamic and static parameters of the shadow function block and passes change shadow function blocks. Alarms detected in the external devices (or function blocks) are reflected in the shadow function blocks and are incorporated into the alarm processing of the control system (col. 17, lines 59-66).

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have incorporated; the control system automatically updates the dynamic and static parameters of the shadow function block and passes change shadow function blocks. Alarms detected in the external devices (or function blocks) are reflected in the shadow function blocks and are incorporated into the alarm processing of the control system as taught by Stevenson in the method of Barker-Nouri to overcome large deficiencies face by large scale management of the telecommunication system.

3. As per claims 2,28 Barker-Nouri-Stevenson disclosed wherein receiving externally provided control operations includes receiving a system reset operation (Nouri, col. 5, lines 24-26).

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4. As per claims 3,29 Barker-Nouri-Stevenson disclosed wherein receiving externally provided control operations includes receiving a system power operation (Nouri, col. 6, lines 36-39).
5. As per claims 5,30 Barker-Nouri-Stevenson disclosed wherein said operating state of said client device is determined by inspecting at least one status register on said client (Nouri, col. 5, lines 31-37).
6. As per claims 6,31 Barker-Nouri-Stevenson disclosed wherein said control operations are permitted while said client device is in a system hung state (Nouri, col. 13, lines 31-37).
7. As per claims 7,32 Barker-Nouri-Stevenson disclosed wherein said externally provided control operations are received via a network data packet encapsulated according to a remote management and control protocol (RMCP) (Barker, col. 2, lines 19-34)

Response to Arguments

8. Applicant's arguments filed 09/29/2006 have been fully considered but they are not persuasive. Applicant's arguments are as follows.

A. Applicant argued that neither Barker nor Nouri can teach or disclose that the hardware-specific data control packet comprises one or more operations to be automatically performed on the client device when the device is in an unresponsive state".

As to applicant's argument Nouri disclosed, "When any temperature sensor measures this level or higher, the server is automatically shut down. To change the shutdown level, enter a new temperature and click update (col. 26, lines 50-54). If a local connection is utilized, each response is sent directly to the local client computer. Moving to state, the client modem sends back to the Recovery Manager software at the remote client computer (col. 25, lines 19-23). One ordinary skill in the art at the time of the invention knows that making the process or system automatic by using the conditional statements in a system software.

B. Applicant argued that prior art did not disclose, "receiving automatically a hardware-specific data control packet from the alert proxy in response to the transmission of the alert packet".

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As to applicant's argument Stevenson disclosed, "The control system automatically updates the dynamic and static parameters of the shadow function block and passes change shadow function blocks. Alarms detected in the external devices (or function blocks) are reflected in the shadow function blocks and are incorporated into the alarm processing of the control system (col. 17, lines 59-66)". One ordinary skill in the art at the time of the invention knows that alert proxy is interpreted as alarm system that updates the system in case of any mal-function in the external devices.

C. Applicant argued that prior art did not disclose a sensor coupled to the bus and the first electronic component to sense events in the first electronic component.

As to applicant's argument Nouri disclosed an exemplary message from the micro controller network table includes "temperature sensor # 5 exceeding warning threshold" (col. 22, lines 33-37). One ordinary skill in the art at the time of the invention has the knowledge that first electronic component contains micro controller where bus and sensors are the components of the micro controller. The above Nouri's disclosure can be interrupted as a sensor coupled to the bus and the first electronic component to sense events in the first electronic component.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (571)-272-3885.

11. The examiner can normally be reached on Monday to Friday during normal business hours. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571)-272-3933. The fax for this group is (703)-746-7239. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866)-217-9197 (toll-free).



Adnan Mirza

Examiner



JASON CARDONE
SUPERVISORY PATENT EXAMINER